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| USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>September 19, 2016</u> |
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| FREDKIEY HURLEY, | : |
| | : |
| Plaintiff, | : |
| | : |
| v. | : |
| | : |
| 496 LAGUARDIA RESTAURANT INC., | : |
| | : |
| Defendant. | : |
| | : |
| -----X | |

16 Civ. 3597 (KPF)

ORDER
OF DISCONTINUANCE

KATHERINE POLK FAILLA, District Judge:

By letter dated September 16, 2016, the parties reported to the Court that they have reached a settlement in this case. Accordingly, it is hereby:

ORDERED that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Settlement and Dismissal for the Court to So Order. Otherwise, within such time Plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event that the settlement is not consummated. Upon such application for reinstatement, the parties shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket, and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten (10) days of the application, to schedule remaining pretrial

proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that Plaintiff has not requested restoration of the case to the active calendar within such 30-day period.

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

SO ORDERED.

Dated: September 19, 2016
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge